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BY K. Vong ANALYST

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**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 800-2015-016193

**Akbar Attary, M.D.
26411 Modena
Laguna Hills, CA 92653**

A C C U S A T I O N

**Physician's and Surgeon's Certificate
No. C 50255,**

Respondent.

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about May 14, 1999, the Medical Board issued Physician's and Surgeon's Certificate Number C 50255 to Akbar Attary, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2019, unless renewed. Respondent is unable to practice medicine pursuant to a California Penal Code 23 order imposed by the Los Angeles Superior Court on August 8, 2017.

//

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2234 of the Code states:

"The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

"(b) Gross negligence.

"(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

"(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

"(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

"(d) Incompetence.

"(e) The commission of any act involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties of a physician and surgeon.

"(f) Any action or conduct which would have warranted the denial of a certificate.

"(g) The practice of medicine from this state into another state or country without meeting the legal requirements of that state or country for the practice of medicine. Section 2314 shall not apply to this subdivision. This subdivision shall become operative upon the implementation of the proposed registration program described in Section 2052.5.

1 “(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and
2 participate in an interview by the board. This subdivision shall only apply to a certificate holder
3 who is the subject of an investigation by the board.”

4 5. Section 2052 of the Code states:

5 “(a) Notwithstanding Section 146, any person who practices or attempts to practice, or who
6 advertises or holds himself or herself out as practicing, any system or mode of treating the sick or
7 afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment,
8 blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition
9 of any person, without having at the time of so doing a valid, unrevoked, or unsuspended
10 certificate as provided in this chapter [Chapter 5, the Medical Practice Act], or without being
11 authorized to perform the act pursuant to a certificate obtained in accordance with some other
12 provision of law, is guilty of a public offense, punishable by a fine not exceeding ten thousand
13 dollars (\$10,000), by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal
14 Code, by imprisonment in a county jail not exceeding one year, or by both the fine and either
15 imprisonment.

16 “(b) Any person who conspires with or aids or abets another to commit any act described in
17 subdivision (a) is guilty of a public offense, subject to the punishment described in that
18 subdivision.

19 “(c) The remedy provided in this section shall not preclude any other remedy provided by
20 law.”

21 6. Section 2053.5 of the Code states:

22 “(a) Notwithstanding any other provision of law, a person who complies with the
23 requirements of Section 2053.6 shall not be in violation of Section 2051 or 2052 unless that
24 person does any of the following:

25 “(1) Conducts surgery or any other procedure on another person that punctures the skin or
26 harmfully invades the body.

27 “(2) Administers or prescribes X ray radiation to another person.

28 “(3) Prescribes or administers legend drugs or controlled substances to another person.

1 “(4) Recommends the discontinuance of legend drugs or controlled substances prescribed
2 by an appropriately licensed practitioner.

3 “(5) Willfully diagnoses and treats a physical or mental condition of any person under
4 circumstances or conditions that cause or create a risk of great bodily harm, serious physical or
5 mental illness, or death.

6 “(6) Sets fractures.

7 “(7) Treats lacerations or abrasions through electrotherapy.

8 “(8) Holds out, states, indicates, advertises, or implies to a client or prospective client that
9 he or she is a physician, a surgeon, or a physician and surgeon.

10 “(b) A person who advertises any services that are not unlawful under Section 2051 or 2052
11 pursuant to subdivision (a) shall disclose in the advertisement that he or she is not licensed by the
12 state as a healing arts practitioner.”

13 7. Section 2242 of the Code states:

14 “(a) Prescribing, dispensing, or furnishing dangerous drugs as defined in Section 4022
15 without an appropriate prior examination and a medical indication, constitutes unprofessional
16 conduct.

17 “(b) No licensee shall be found to have committed unprofessional conduct within the
18 meaning of this section if, at the time the drugs were prescribed, dispensed, or furnished, any of
19 the following applies:

20 “(1) The licensee was a designated physician and surgeon or podiatrist serving in the
21 absence of the patient's physician and surgeon or podiatrist, as the case may be, and if the drugs
22 were prescribed, dispensed, or furnished only as necessary to maintain the patient until the return
23 of his or her practitioner, but in any case no longer than 72 hours.

24 “(2) The licensee transmitted the order for the drugs to a registered nurse or to a licensed
25 vocational nurse in an inpatient facility, and if both of the following conditions exist:

26 “(A) The practitioner had consulted with the registered nurse or licensed vocational nurse
27 who had reviewed the patient's records.

28 “(B) The practitioner was designated as the practitioner to serve in the absence of the

1 patient's physician and surgeon or podiatrist, as the case may be.

2 “(3) The licensee was a designated practitioner serving in the absence of the patient's
3 physician and surgeon or podiatrist, as the case may be, and was in possession of or had utilized
4 the patient's records and ordered the renewal of a medically indicated prescription for an amount
5 not exceeding the original prescription in strength or amount or for more than one refill.

6 “(4) The licensee was acting in accordance with Section 120582 of the Health and Safety
7 Code.”

8 FACTUAL ASSERTIONS

9 8. Respondent Akbar Attary, M.D. is a physician licensed in the State of California. His
10 Physician's and Surgeon's Certificate No. C50255 was issued on May 14, 1999, and will expire
11 on March 31, 2019, unless renewed. On or about August 8, 2017, the Los Angeles Superior
12 Court ordered Respondent to cease practicing medicine, pursuant to California Penal Code
13 section 23.

14 9. Charles Geer Stockard, Jr., M.D., was a physician licensed in the State of California.
15 His Physician's and Surgeon's Certificate No. C42444 was issued on June 6, 1988, and has an
16 expiration date of January 31, 2020.

17 a. On or about February 1, 2007, the Board filed Accusation No. 09-2006-173736
18 against Dr. Stockard, alleging that he aided and abetted the unlicensed practice of medicine. In
19 that case, Dr. Stockard acted as the licensed figurehead for a medical weight-loss clinic that was
20 owned by an unlicensed individual. On or about July 27, 2007, Dr. Stockard executed a
21 stipulation wherein he admitted the truth of all allegations contained in the Accusation.

22 b. Dr. Stockard was placed on probation with the Board for a period of four years
23 and was advised that he was prohibited from engaging in any activity or activities which would
24 constitute aiding and abetting the unlicensed practice of medicine.

25 c. On or about July 13, 2017, the Los Angeles Superior Court issued an interim
26 order, pursuant to Penal Code section 23, restricting Dr. Stockard's ability to practice medicine.
27 The Court made this order permanent on August 15, 2017.

28 d. On or about May 29, 2018, Dr. Stockard passed away.

1 10. Roberto Ramon Bonilla was a licensed physician in the State of California. On or
2 about June 29, 1981, the Board issued Physician's and Surgeon's Certificate No. A36897 to Mr.
3 Bonilla. On or about January 27, 2009, a Partial Interim Suspension Order was issued with
4 respect to the aforementioned license. On or about February 25, 2011, a Full Suspension Court
5 Order was issued. On or about July 27, 2011, Mr. Bonilla surrendered the aforementioned
6 license. Mr. Bonilla has not held a valid Physician's and Surgeon's Certificate since that time
7 and currently does not have a valid Physician's and Surgeon's Certificate.

8 11. Roberto Bonilla's Criminal Convictions On or about March 11, 2010, Superior Court
9 of Los Angeles Case No. YA077428, *The People of the State of California v. Roberto Ramon*
10 *Bonilla*, was filed. The criminal complaint alleged one count of involuntary manslaughter, a
11 felony, in violation of California Penal Code section 192, subdivision (b). On or about February
12 25, 2011, Mr. Bonilla was convicted of one count of involuntary manslaughter after a jury trial.
13 The Court suspended Bonilla's medical license indefinitely. Further, the Court advised Bonilla
14 that should he treat patients prior to sentencing, he could face the maximum term of
15 imprisonment. On or about March 25, 2011, the Court sentenced Bonilla to five years of formal
16 probation, serve 180 days in county jail, and to complete 1000 hours of community service. On
17 or about December 9, 2014, the Los Angeles Superior Court denied Bonilla's request to reduce
18 the matter to a misdemeanor, and Bonilla remained on formal probation until his probation
19 terminated by operation of law.

20 12. Jose Alfredo Martinez was previously a licensed physician in the State of California.
21 On or about April 11, 1983, the Board issued Physician's and Surgeon's Certificate No. G49769
22 to Martinez. On or about June 3, 2004, Accusation No. 06-2002-135540 was filed against
23 Martinez. The Accusation alleged 10 separate causes for discipline, including unprofessional
24 conduct, failure to comply with Board record requests, false and misleading advertising, dishonest
25 and false and inadequate medical records, fictitious name permit violations, incompetence,
26 repeated negligent acts, and gross negligence. He also held himself out as a medical director of a
27 clinic that was owned and operated by an individual that was not licensed by the Board. On or
28 about December 1, 2005, Martinez surrendered his Physician's and Surgeon's Certificate. On or

1 about May 16, 2008, Martinez petitioned the Board for reinstatement of his license. On or about
2 May 20, 2009, Mr. Martinez's Petition for Reinstatement was heard before Administrative Law
3 Judge Joseph D. Montoya. The Petition was denied. Mr. Martinez has not held a valid
4 Physician's and Surgeon's Certificate since December 1, 2005 and currently does not have a valid
5 Physician's and Surgeon's Certificate.

6 13. Martinez's Criminal Convictions. On or about March 8, 2006, Mr. Martinez was
7 convicted of one count of Medi-Cal fraud, in violation of California Welfare and Institutions
8 Code section 14107, subdivision (b), a felony. The conviction arose out of misconduct with
9 billing that occurred in 2004 and 2005. Mr. Martinez was placed on three years of formal
10 probation and ordered to pay \$20,000.00 in restitution. On or about June 1, 2015, Superior Court
11 of Los Angeles Case No. VA139296, *The People of the State of California v. Jose Alfredo*
12 *Martinez*, was filed. The complaint alleged three felony counts of practicing without a license, in
13 violation of California Business and Professions Code, section 2052, subdivision (a). On or about
14 July 10, 2015, Mr. Martinez entered pleas of guilty to all three counts and was sentenced to 16-
15 months imprisonment in county jail.

16 14. Emma Haydee Gonzalez has never held a Physician's and Surgeon's license.

17 15. Gonzalez's Criminal Conviction. On or about June 1, 2015, Superior Court of Los
18 Angeles Case No. VA139296, *The People of the State of California v. Emma Haydee Gonzalez*,
19 was filed. The complaint alleged one felony count of practicing without a license, in violation of
20 California Business and Professions Code, section 2052, subdivision (a). On or about July 10,
21 2015, Gonzalez entered a plea of guilty to the sole charge and was ordered to complete 30 days of
22 CalTrans.¹ Sentencing was continued to January 14, 2016. During the sentencing hearing, the
23 Court reduced the charge to a misdemeanor pursuant to California Penal Code section 17,
24 subdivision (b), and sentenced Gonzalez to serve one year of summary probation with other terms
25 and conditions.

26 16. The Board learned that Respondent and Dr. Stockard were aiding and abetting
27 Bonilla, Martinez, and Gonzalez in the unlicensed practice of medicine. Respondent, Bonilla,

28 ¹ Public work service in lieu of serving a jail sentence.

1 Martinez, and Gonzalez were employed at the clinics where Dr. Stockard was the registered
2 owner and medical director. The clinics were named and located as follows: Olive Medical
3 Clinic, aka La Antigua Medical Clinic No. 1, located at 7723 Pacific Boulevard, Huntington Park,
4 CA 90255 (Huntington Clinic), and Clinica Medica Familiar, aka La Antigua Medical Clinic No.
5 2, located at 418 East Arbor Vitae Street, Inglewood, CA 90301 (Inglewood Clinic).

6 **Board Investigation**

7 17. On or about February 2, 2016, the wife of Patient 1² filed a complaint with the
8 Medical Board of California that alleged in January 2015, Bonilla operated on Patient 1 to repair
9 a hernia. On or about March 21, 2016, Patient 1 was interviewed by investigators from the
10 Division of Investigation (DOI). Patient 1 identified Bonilla and Martinez in photographic
11 lineups as the individuals who held themselves out as physicians, provided medical treatment,
12 conducted a hernia surgery at the clinic, and provided follow-up treatment. Further, Patient 1
13 identified Gonzalez in a photographic lineup as an individual who dispensed medications and
14 provided dosing instructions. Patient 1 stated that on or about January 8, 2014, he was diagnosed
15 with a hernia by Martinez. Bonilla confirmed the diagnosis and advised surgery. During
16 investigation into this matter, it was discovered that Respondent was listed as the doctor who
17 ordered various blood tests for Patient 1.

18 18. **Patient 1 Hernia Surgery.** Patient 1 paid Bonilla \$4,200.00 cash for the surgery. On
19 or about October 8, 2014, the date of the surgery, Patient 1 met Bonilla in the Inglewood Clinic
20 parking lot. Patient 1 assumed that the surgery would take place at a hospital. However, Patient
21 1 quickly discovered that the surgery would take place at the Inglewood Clinic. Patient 1 stated
22 that he was nervous, however, Bonilla and Martinez assured him that the surgery would be quick.
23 The surgery was done in a small, sparsely equipped "operating room."

24 a. Bonilla instructed Patient 1 to lay on the bed and applied iodine to Patient 1's
25 stomach and groin. Bonilla told him the liquid substance was to prevent infection and to kill any
26 germs. Bonilla injected Patient 1 with approximately six anesthetic injections to numb the
27 incision area. Patient 1 was awake during the surgery.

28 ² Names are anonymized to protect privacy.

1 b. Bonilla made an incision in Patient 1's right side groin area. Patient 1 felt the
2 incision and requested additional anesthesia be administered. Bonilla wore surgical scrubs, a
3 mask, gloves, goggles, and a surgical cap. Martinez stood on the left of Patient 1 and assisted
4 Bonilla in the surgery. Patient 1 complained to Bonilla and Martinez that the procedure was
5 painful. Patient 1 stated that Bonilla and Martinez appeared panicked and they argued throughout
6 the procedure. The surgery lasted approximately 1.5 hours.

7 c. Bonilla prescribed and dispensed Fioricet³ to Patient 1 for post-surgery pain.
8 Martinez instructed Patient 1 to take the pain medication every 6 to 8 hours. Approximately 10-
9 15 minutes after the surgery was finished, Patient 1 was released to go home. Neither Bonilla, nor
10 Martinez checked Patient 1's blood pressure or any vital signs prior to the surgery, or before
11 releasing him.

12 d. The surgery was not successful. Approximately two months after the surgery,
13 Patient 1 had his groin x-rayed. The results revealed he still had a hernia. Patient 1 also
14 appeared to have an infection at the incision.

15 e. Patient 1 scheduled a follow-up appointment for January 16, 2015, at the
16 Inglewood Clinic. Martinez examined Patient 1, diagnosed Patient 1 with an infection, and
17 recommended antibiotic injections as treatment. During the follow-up visit, Martinez
18 administered two injections to Patient 1, and prescribed and dispensed prednisone. Martinez
19 instructed Patient 1 he needed to follow up with "Dr. Bonilla."

20 f. On January 21, 2015, Patient 1 returned to the Inglewood Clinic and saw
21 Bonilla and Martinez, who administered additional injections. Bonilla offered to operate on
22 Patient 1 again at no charge. Patient 1 told Bonilla that any future surgeries would need to take
23 place in a hospital with health practitioners. Bonilla conferred with Gonzalez. Bonilla and
24 Gonzalez then told Patient 1 that Bonilla could not operate on him again. Bonilla and Gonzalez
25 explained to Patient 1 he needed a laparoscopic surgery due to having had many operations in the
26 same area. Bonilla told Patient 1 he was going to refund him his money.

27 g. During multiple follow-up appointments, Martinez administered additional

28 ³ An analgesic containing Acetaminophen, a barbiturate, and caffeine.

1 injections and prescribed additional medications to Patient 1.

2 h. On or about December 17, 2015, Patient 1 received a letter with four money
3 orders from Bonilla in the amount of \$4,000.00. The letter stated in summary that the money
4 orders were a refund of all the money paid for the surgery.

5 19. Fictitious Business Name Search. During the investigation, the following information
6 was obtained during a Fictitious Business Name Search:

7 a. Fictitious Business Name Statement 2015264017 is for La Antigua Medical
8 Clinic #1 located at 7723 Pacific Boulevard, Huntington Park, California 90255, Huntington Park
9 Clinic. The registered owner is Charles Stockard Jr., M.D. The certificate was filed on October
10 15, 2015, and expires on October 15, 2020.

11 b. Fictitious Business Name Statement 2015264019 is for La Antigua Medical
12 Clinic #2 located at 418 E. Arbor Vitae Street, Inglewood, California 90301, Inglewood Clinic.
13 The registered owner is Charles Stockard Jr., M.D. The certificate was filed on October 15, 2015,
14 and expires on October 15, 2020.

15 20. Undercover Investigation. On August 3, 2016, Gardena Police Department
16 Detectives C.F., and I.L., went to the Inglewood Clinic to schedule an appointment. C.F. posed
17 as a potential patient and I.L. posed as his wife. C.F. and I.L. made contact with Gonzalez, who
18 identified herself as "Emma." C.F. told Gonzalez that he was diagnosed with gallstones and
19 wanted to see a doctor for a second opinion. Gonzalez scheduled C.F. for an appointment for
20 August 4, 2016, at 10:30 a.m.

21 a. On August 4, 2016, C.F. returned to the Inglewood Clinic and was
22 accompanied by I.L. The undercover operation was video recorded and later transcribed and
23 translated. Gonzalez provided C.F. two forms to complete, including an informed consent form.

24 b. Gonzalez took C.F.'s vital signs and escorted C.F. and I.L. into an examination
25 room. Martinez entered the room and consulted with C.F. Martinez reviewed C.F.'s lab results
26 that C.F. provided. Martinez told C.F. that his cholesterol and triglycerides were not checked,
27 which needed to be done.

28 c. C.F. asked Martinez if the gallstones could be treated with medicine.

1 Martinez advised C.F. that there are three treatments to treat gallstones. The first is to lower
2 lipids with medicine. Martinez described the medication's effect on the body. Martinez stated
3 that he wanted to run further tests to determine whether medication is the proper treatment.
4 Martinez also recommended C.F. to eat white meats or fish and to avoid red meats as cholesterol
5 comes from animal fats. Martinez told C.F. that he also needed to walk to help him lose weight
6 and lower his cholesterol levels. Martinez also offered to prescribe him a medicine that would
7 also help him lose weight. Martinez explained to C.F. that the Inglewood Clinic can dispense the
8 prescribed medications and would be less expensive than a pharmacy. Martinez escorted C.F.
9 and I.L. to the receptionist area.

10 d. During the undercover visit, C.F. and I.L. observed other patients at the clinic
11 and observed Gonzalez dispense pill bottles to a patient. Gonzalez then charged C.F. \$35 for the
12 visit. C.F. paid cash and obtained a receipt and scheduled a follow up appointment for Friday,
13 August 13, 2016, at 10:00 am. The two undercover officers exited the clinic and concluded the
14 operation.

15 21. Issuance and Execution of Search Warrant. On August 3, 2016, a judge of the
16 Superior Court of California, County of Los Angeles, issued search warrants as to the clinics. On
17 August 4, 2016, DOI Investigators served a search warrant at the Inglewood Clinic. The warrant
18 was served and executed without incident.

19 22. The following items were seized from the clinic during the execution of the search
20 warrant:

21 a. Blank prescription pads for La Antigua Medical Clinic, for Respondent,
22 Stockard, and others;

23 b. Invoices from Anda Meds to Stockard. Under the Purchase Order No., it reads
24 "Dr. Martinez /Ver." Also, there are invoices that indicate items were sold to Respondent and
25 under the Purchase Order Nos., it reads "Emma/Verbal;"

26 c. Foundation Laboratory Invoices to Respondent and La Antigua Medical Clinic;

27 d. McKesson Statements for Respondent;

28 e. Custom Rubber Stamps bearing the names of Bonilla, La Antigua Medical

1 Clinic #2, and Stockard;

2 f. Stockard's Physician's and Surgeon's wallet license;

3 g. Copies of Stockard's Physician's and Surgeon's license, U.S. passport and
4 Social Security Number;

5 h. Fictitious Business Name Statement, no. 2015 264019, reads La Antigua
6 Medical Clinic #2 located at 418 E. Arbor Vitae Street, Inglewood, California is owned by
7 Charles G. Stockard Jr., M.D. with an address of 9457 Gotham Street, Downey, CA 90241.
8 Application is signed by Stockard (Note: The address in Downey was Martinez's residence
9 address at the time the application was filed on October 15, 2015.)

10 i. Fictitious Business Name Statement, no. 2015 264017, reads La Antigua
11 Medical Clinic #1 located at 7723 Pacific Boulevard, Huntington Park, California is owned by
12 Charles G. Stockard, Jr., M.D. with an address of 9457 Gotham Street, Downey, CA 90241.
13 Application is signed by Stockard (Note: The address in Downey was Martinez's residence
14 address at the time of the application was filed on October 15, 2015.)

15 j. Commercial Net-Lease for Part of Building between Gonzalez and Stockard for
16 the 418 E. Arbor Vitae, Inglewood, CA location. Lease term is from November 15, 2015, through
17 November 15, 2016, for the "Medical Practice Section of the building."

18 k. Folder containing various sections of a patient's chart. Most of the charts list
19 Bonilla as the treatment provider.

20 l. Patient files for patients seen by Martinez and Gonzalez on August 4, 2016.

21 23. Interview with Martinez. During the service of the search warrant, DOI Investigators
22 interviewed Martinez. Martinez was advised of his Miranda Rights, which he waived. The
23 interview was digitally audio recorded with Martinez's knowledge. Martinez made the following
24 statements:

25 a. Martinez stated he works at the Inglewood and Huntington Park Clinic's as the
26 manager and translator for Respondent and Stockard. Martinez stated that Respondent works at
27 the Huntington Park Clinic, but saw patients at the Inglewood Clinic in the past. Martinez stated
28 that Stockard is the owner and medical director of both clinics. According to Martinez, Stockard

1 works at the Inglewood Clinic approximately three to four days a week.

2 b. Martinez asked if the prescription pads would be seized as they were during the
3 execution of prior search warrants. Martinez said patients complained after the prior search
4 warrant because prescriptions could not be written. Martinez questioned the status of the prior
5 seized prescription pads.

6 c. Regarding the patients scheduled for August 4, 2016, Martinez claimed that
7 only patients seeking lab results or medication refills were seen. Martinez claimed that all
8 patients are scheduled accordingly to Stockard's schedule.

9 d. Martinez stated that since his release from custody (Case No. VA139296), he
10 has never seen, treated, or given medical advice to patients. He only translates to patients what
11 Stockard tells him and vice versa. Martinez repeatedly stated that he does not give medical
12 advice.

13 e. Martinez stated that Gonzalez is the receptionist and medical assistant. She
14 takes the patient's vital signs. Gonzalez does not go into the examination room. She is very
15 careful and does not get involved in the patient care since the last time she was arrested.
16 According to Martinez, he, Gonzalez, and Stockard executed a contract that defines the scope of
17 their duties.

18 f. According to Martinez, Stockard leases the clinic from Martinez and Gonzalez.
19 In December or January of 2010 or 2011, Martinez and Gonzalez purchased the building from
20 Bonilla.

21 g. Martinez stated he has never treated patients with Bonilla. Martinez stated that
22 he did not know Patient 1. Further, Martinez claimed he did not know about Bonilla's prior
23 patients. When confronted with Patient 1's dates of service, Martinez repeatedly denied treating
24 him.

25 24. Interview with Gonzalez. During the service of the search warrant at the Inglewood
26 Clinic, DOI Investigators interviewed Gonzalez. Gonzalez was advised of her Miranda rights,
27 which she waived. The interview was digitally audio recorded with Gonzalez's knowledge and
28 permission.

1 a. According to Gonzalez, her scope of duties included: taking patient's vital
2 signs and documenting the reason for the appointment. When asked who treated today's patients,
3 since no licensed physician was present, Gonzalez claimed that only follow-up patients were
4 treated. Gonzalez denied providing medications to patients. When asked who provided
5 medications to patients scheduled for August 4, 2016, Gonzalez stated that she did not want to get
6 involved.

7 b. Gonzalez stated that she likes working with Respondent and recently worked
8 with Respondent at the Huntington Park Clinic. When asked if she and Martinez still owned the
9 Huntington Park Clinic, Gonzalez said "no, not really," and stated Stockard is the medical
10 director of both clinics. Gonzalez later clarified that Stockard was the leaseholder and
11 Respondent worked at the Huntington Park Clinic.

12 c. Gonzalez said three patients were seen on August 4, 2016. The first, "Carlos"
13 (undercover operation) was seen for gallstones. Gonzalez stated that "Carlos" was not a follow-
14 up patient, despite her statement to the contrary. Gonzalez stated "Carlos" was seen by another
15 doctor; however, he wanted a second opinion. Gonzalez stated that "Carlos" was seen by
16 Martinez. Gonzalez was asked why she referred a patient to Martinez when she knew he did not
17 have a medical license to practice medicine, Gonzalez stated "Carlos" only wanted a second
18 opinion.

19 d. A second patient, Patient 2, was scheduled for a follow-up appointment
20 regarding Naproxen medications and a vitamin injection. Martinez treated Patient 2 and provided
21 the injection. Gonzalez confirmed that Martinez practiced medicine, treated patients, and injected
22 patients, despite prior arrests. Gonzalez said she schedules patients with Stockard; however, if
23 Stockard cannot come to the clinic, Martinez will treat the scheduled patients.

24 e. Finally, Gonzalez admitted that Patient 1 was treated at the clinic by both
25 Bonilla and Martinez. Further, Bonilla and Martinez performed a surgery on Patient 1 at the
26 Inglewood Clinic.

27 25. Stockard Interview. During the service of the search warrant, DOI Investigators
28 interviewed Stockard over the telephone. Gonzalez provided Dr. Stockard's telephone number

1 and Investigators called and left a voicemail message requesting that he come to the Inglewood
2 Clinic. During the execution of the search warrant, DOI Investigators observed that Stockard
3 called Gonzalez's cell phone. Investigators asked Gonzalez to call Stockard. DOI Investigators
4 conducted a telephonic conversation with Stockard, who refused to appear in person at the
5 Inglewood Clinic.

6 a. During the conversation, Stockard admitted that he is Medical Director of both
7 clinics, but claimed to hold that title "on paper only." According to Stockard, Gonzalez needed a
8 doctor with a valid medical license to be named the director of the clinics. Stockard agreed to be
9 named the medical director. Stockard stated that Respondent is another licensed physician who
10 works at the clinics and Martinez acts as a medical assistant. Stockard later claimed to be co-
11 director and Gonzalez was actual medical director. Stockard was unaware as to Respondent's
12 schedule at the clinics and was unable to determine if a licensed physician was present on August
13 4, 2016. Stockard claimed that he had not been to the Inglewood Clinic for over a year, however,
14 he receives periodic reports from Martinez. Stockard claimed he did not receive any
15 compensation from the clinics. Stockard claimed that he does not work at the clinic and does not
16 allow Martinez or Gonzalez to practice under his license or order medications and/or labs in his
17 name. Stockard stated that Respondent works at the Huntington Park Clinic and occasionally at
18 the Inglewood Clinic. Stockard then refused to answer any further questions and the call ended.

19 26. Subsequent interview with Martinez. After the conversation with Stockard, DOI
20 Investigators re-contacted Martinez regarding specific claims made by Stockard. Regarding
21 Stockard's claim that he has not been present at the Inglewood Clinic in over a year, Martinez
22 stated that was not correct. According to Martinez, Stockard comes to the clinic regularly to
23 collect compensation. Martinez refused to state the amount of compensation.

24 27. Attempts to Conduct Interviews on May 17, 2017. On or about May 17, 2017,
25 Supervising Investigators from the Division of Investigation went to the Huntington Park Clinic
26 to interview Respondent. Upon entering the clinic, investigators observed patients leaving the
27 clinic. Investigators contacted the receptionist who was later identified as Gonzalez's daughter.
28 The investigators requested to speak with Respondent. The receptionist stated that Respondent

1 was not working that day and the doctor on duty was Stockard. Investigators were informed by
2 clinic staff that Stockard was at lunch. Investigators then observed Martinez dressed in blue
3 scrubs walking in the clinic's hallway. Investigators advised Martinez that he could not practice
4 medicine. Martinez denied that he was practicing medicine and claimed he was a "Medical
5 Assistant" and could see repeat patients to draw their blood or do follow up work per the doctor's
6 orders. Investigators again advised Martinez that he cannot perform any medical services
7 without a doctor being onsite. Investigators were informed that a doctor's standing order allowed
8 Martinez to treat patients as an MA. Investigators requested to see the order, however, clinic staff
9 refused. Further clinic staff refused to identify the doctor that provided the order. Finally,
10 Martinez and clinic staff stated they "did not have to listen to the investigators because they were
11 not the real police." Further, clinic staff stated that they can operate the clinic as they wish.

12 28. Interview with Respondent. On or about June 14, 2017, Respondent contacted DOI
13 investigators after numerous attempts to schedule an interview. During the June 14, 2017
14 conversation, Respondent stated that he is an employee of the Huntington Park Clinic and he last
15 worked there on June 12, 2017. Respondent initially stated that he could not remember the name
16 of the owner of the clinic due to a "mental block." However, later in the interview, Respondent
17 stated the owner of the clinic was Stockard. Respondent last saw Stockard at the Huntington Park
18 Clinic approximately one month prior. Respondent also claimed that Martinez does not currently
19 work at the clinic. The last time Respondent saw Martinez in the Huntington Park Clinic was
20 three weeks prior. When asked for clarification regarding clinic ownership, Respondent stated
21 that he "[does not] care who the owner is. It doesn't matter." Finally, Respondent refused to
22 identify the source of payment for his services. Respondent then terminated the conversation.

23 29. 2015 Interview with Respondent. As part of the investigation that led to the 2015
24 criminal case filed against Martinez and Gonzalez, DOI investigators interviewed Respondent,
25 who was employed at the Huntington Park Clinic. During that interview, Respondent stated that
26 Martinez and Gonzalez were the owners of the clinic. Gonzalez was the office manager, and
27 Martinez hired him. Further, Martinez presented himself as a licensed physician and graduate of
28 UCLA Medical School. Respondent had worked at the Huntington Park Clinic since 2012 and

1 would treat between two to seven patients a day. Martinez paid Respondent in cash or by
2 personal check.

3 a. Respondent was aware that Gonzalez and Martinez were arrested. During the
4 interview, Respondent stated he was unsure as to the reasons for the arrests. DOI Investigators
5 informed Respondent why Martinez was arrested and explained the laws pertinent to the
6 unlicensed practice of medicine and the corporate practice of medicine. After the interview,
7 Respondent stated he planned to resign from the Huntington Park Clinic.

8 b. On September 8, 2015, DOI Investigators once again spoke to Respondent who
9 stated that he would continue to work at the Huntington Park Clinic, so long as the clinic was run
10 legally and his attorney reviewed relevant documents.

11 30. Interview with Patient 3. On January 12, 2017, DOI Investigators interviewed Patient
12 3, identified by her California driver's license, at her place of employment. The interview was
13 digitally audio recorded with Patient 3's knowledge and permission.

14 a. Patient 3 was treated at the Inglewood Clinic for approximately thirteen years.
15 Bonilla performed three surgeries on her. In 2004, Bonilla removed her gallbladder. In 2011,
16 Bonilla performed a surgery on her right breast to remove a mass. In 2015, Bonilla performed a
17 second breast surgery as the mass had returned. Bonilla told her that a biopsy was negative for
18 cancer.

19 b. Regarding the 2015 surgery, Patient 3 stated that a male doctor, later identified
20 as Martinez, assisted Bonilla. Prior to the surgery, Bonilla examined her breast to determine the
21 size of the abscess. Bonilla gave her a local anesthetic but she was awake throughout the
22 procedure. Bonilla incised her breast while Martinez assisted. The surgery lasted approximately
23 1.5 hours. According to Patient 3, Bonilla left a drainage tube in her breast. Bonilla provided
24 post-surgical instructions and pain medication. Approximately two or three weeks later, Patient 3
25 returned to have the drainage tube removed.

26 c. During the interview, Patient 3 identified Bonilla and Martinez in photographic
27 lineups.

28 31. Interview with Patient 4. On January 18, 2017, DOI Investigators interviewed Patient

1 4, identified by his California driver's license, at his residence. The interview was digitally audio
2 recorded with Patient 4's knowledge and permission.

3 a. Patient 4 stated he had a "bulging ball" in his right knee and sought treatment at
4 the Huntington Park Clinic on September 11, 2013. During that appointment, Patient 4 was
5 treated by a doctor later identified as Respondent. According to Patient 4, Respondent conducted
6 a physical examination and lab tests, and tried to extract the fluid from his knee. Respondent told
7 Patient 4 that he could not treat him and requested that Martinez consult with Patient 4. Martinez
8 then referred Patient 4 to the Inglewood Clinic for surgery.

9 b. Patient 4 was scheduled for surgery on September 19, 2013. On that date,
10 Bonilla conducted surgery for tumor removal and Martinez assisted. Patient 4 was given a local
11 anesthetic and was awake during the surgery. The surgery lasted approximately three to four
12 hours. After the surgery, Bonilla and Martinez explained that the tumor was being sent for a
13 biopsy to determine if it was cancerous. Bonilla and Martinez prescribed antibiotics and pain
14 medication.

15 c. Patient 4 identified Bonilla, Martinez, and Gonzalez in photographic lineups.

16 32. Interview with Patient 5. On January 3, 2017, DOI Investigators interviewed Patient
17 5 who stated that she had two surgeries at the Inglewood Clinic. The first was in 2008 with
18 Bonilla. The second took place on August 12, 2013, with Martinez. Approximately three weeks
19 after the surgery, Patient 5 had multiple follow up visits with Martinez. During the visits, Patient
20 5 received multiple injections and was prescribed medication. Patient 5 identified Martinez in a
21 photographic lineup.

22 33. Interview with Patient 6. On January 10, 2017, DOI Investigators interviewed Patient
23 6 telephonically. Patient 6 stated that in 2013, Martinez treated him for the flu. Martinez gave
24 Patient 6 an injection.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Aiding and Abetting the Unlicensed Practice of Medicine)**

3 34. Respondent is subject to disciplinary action under California Business and
4 Professions Code section 2052, subdivision (b), in that between August 8, 2015, and August 7,
5 2017, Respondent aided and abetted the unlicensed practice of medicine. The circumstances are
6 as follows:

7 35. The facts and circumstances regarding this Cause for Discipline are alleged in
8 paragraphs 8 through 33, above, and are hereby incorporated by reference and realleged as if fully
9 set forth herein.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct)**

12 36. Respondent is subject to disciplinary action under California Business and
13 Professions Code section 2234, subdivision (a), in that in that between August 8, 2015, and
14 August 7, 2017, Respondent engaged in acts that constitute unprofessional conduct. The
15 circumstances are as follows:

16 37. The facts and circumstances regarding this Cause for Discipline are alleged in
17 paragraphs 8 through 33, above, and are hereby incorporated by reference and realleged as if fully
18 set forth herein.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Commission of Dishonest Acts)**

21 38. Respondent is subject to disciplinary action under California Business and
22 Professions Code section 2234, subdivision (e), in that in that between August 8, 2015, and
23 August 7, 2017, Respondent engaged in dishonest acts. The circumstances are as follows:

24 39. The facts and circumstances regarding this Cause for Discipline are alleged in
25 paragraphs 8 through 33, above, and are hereby incorporated by reference and realleged as if fully
26 set forth herein.

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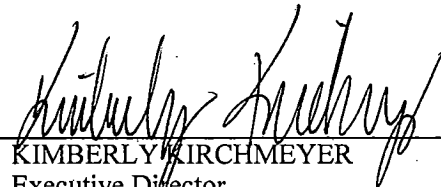
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number C 50255, issued to Akbar Attary, M.D.;
2. Revoking, suspending or denying approval of Akbar Attary, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Akbar Attary, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: August 17, 2018


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

LA2018502101
Attary Revised Accusation.pdf.docx